

THE BARBER COUNTY INDEX.

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State His Society

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NO. 23

District Court

The first criminal case of the October term of court—The State of Kansas vs. D. M. Circle—resulted in a disagreement. Nine of the jurors stood for acquittal and three stood for conviction. The case occupied three entire days of the court's undivided attention, beginning on Tuesday morning and ending on Thursday evening. The case went to the jury at 5:30 Thursday evening and at 2 o'clock the following morning Judge Gillett discharged the jury upon being assured by the jurors that there was no possibility of an agreement.

This is a controversy that has been thrashed over and over again in the courts and newspapers during the past year. It seems that it is destined to hang on several years longer, until the individual litigants and the county will have expended thousands of dollars. One arrest on a charge of perjury has already resulted from it and others may follow.

In 1907 D. M. Circle of Kiowa and Amanda J. Potter of Chillicothe, Mo., traded, the former conveying a farm and the latter a drug store. The evidence shows that each resorted to questionable means and suits followed. Mrs. Potter secured a judgment against Circle in a civil action for about \$8000. Circle appealed to the supreme court. Mrs. Potter's attorneys then got the consent of the attorney general to bring a criminal action against Circle. He was released in a preliminary trial before Justice Buchanan at Kiowa and a second preliminary was held before Justice Collins in this city and he was held for trial. The trial was held last week and the jury disagreed and he will be tried again in February.

One of the greatest obstacles in the way of the prosecution is the fact that it was begun so late, after the statute of limitations had about run. The defendant and his attorneys say it was brought to compel him to abandon his appeal now pending in the supreme court, in the civil case, and the prosecution of the case two years after the alleged crime makes it appear that way. The fact that two different county attorneys did not think that the evidence warranted a prosecution and that a non-resident becomes the complaining witness so very late, when she was in possession of the facts so long, makes it difficult to secure a conviction.

The following jury sat in the case:

J. A. Chadwick	C. C. Price
John Cullison	A. A. Smith
H. P. Hartley	Arthur Murlett
G. R. Harris	Roy Doran
Floyd Fullerton	Robt. Ruggles
Albert Hada	E. J. Grigsby

Noble & Tinscher, who are Mrs. Potter's attorneys in the civil suit, prosecuted. J. D. Houston of Wichita, F. F. Perry of Kiowa, and Samuel Griffin of this city, represented Mr. Circle.

The case of State vs. Joe Hargis was taken up on Friday morning and tried before the following jury:

H. E. Rucker	Warren Simpson
John Cullison	H. O. Williams
L. A. Draper	E. J. Grigsby
W. L. Utterback	Floyd Fullerton
George Mote	W. B. Duncan
G. R. Harris	Walter Jackson

Hargis was charged with assault with intent to kill. The complaining witness was Vinton Schmidl.

In February of the present year Hargis cut Schmidl quite seriously in the face with a small pocket knife but the wound has since healed. Mr. Schmidl had been a tenant of A. J. Hargis's, the defendant's father, and they did not get along. Schmidl complained that Hargis had taken his feed and turned cattle on his crops and imposed on him generally. At the time of the trouble he was complaining of his treatment to Tom Mills, in Fred Lake's store at Lake City. Joe Hargis was in the store and took it up. As to what took place before Hargis cut Schmidl there was conflicting testimony. Schmidl testified that Hargis attacked him without warning him while Hargis claims that Schmidl was the aggressor. It was agreed by both parties that each cursed the other, but the point at issue resolved itself into the proposition as to which was the aggressor.

The case went to the jury at 9:30 Friday night and at 5 o'clock Saturday morning found the defendant guilty of assault and battery. This offense is punishable by a fine or imprisonment in the

county jail the defendant paying the costs. Mr. Hargis has not yet been sentenced.

One lone juror saved the defendant from a penitentiary sentence. Eleven jurors favored conviction for a penitentiary offense and one favored acquittal. Finally this juror agreed to convict for assault and battery, but he made it emphatic that he would "hang" the jury before he would send the defendant to the penitentiary, and a compromise was effected that way which, considering the conflicting evidence, seemed a fair solution.

County Attorney Field and Samuel Griffin prosecuted the case and Noble & Tinscher defended.

Judge Gillett ordered a recess Saturday morning, until Monday afternoon when the case of State vs. Geo. Scates was called and the following jury empaneled:

J. A. Redman	T. M. Parr
George Mounsey	John Cullison
W. B. Duncan	D. W. Brown
C. F. Harding	L. W. Chapin
Roy Doran	G. R. Harris
E. J. Grigsby	Geo. Mote

Scates was a section foreman on the Santa Fe railroad and in that capacity is charged with having overpaid employees by raising time checks and appropriating the excess to his own use.

County Attorney Field prosecuted and Samuel Griffin defended.

The case went to the jury at 9 o'clock Monday evening and in about an hour a verdict was returned finding the defendant not guilty.

There is another case pending against Scates, in which he is charged with having written a check to an employee for more than was due him and taking the extra money himself. This case has gone over to the February term.

The case of State vs. W. S. Shelton was taken up yesterday morning. Shelton borrowed \$20 from the Peoples Bank in this city and gave a note with Zeal Johnson's name on as surety. The name was forged but Shelton denies having done it, and also denies having gotten the money, notwithstanding that F. B. Chapin, F. E. Read and C. E. Thompson testify that he presented the note and received the money.

The jury is as follows:

J. E. Circle	G. R. Harris
T. M. Parr	Geo. Mounsey
John Cullison	Roy Doran
E. J. Grigsby	J. A. Redman
Floyd Fullerton	Conrad Baier
G. W. Rankin	A. A. Smith

County Attorney Field prosecuted and Samuel Griffin represents the defendant.

If the conclusions drawn from Mr. Griffin's opening statement to the jury are correct, Shelton's defense is temporary insanity. It is about the only defense that could be made to such a rash act.

The case was in the hands of the jury when the paper was printed.

Musical at Sharon

There will be a Musical at Sharon on Friday night of this week, October 22nd, the proceeds to be given to the Christian Church of that city. The entertainment will be held in the church. Everybody is cordially invited. Admission 15 and 25 cents.

Lieut. Landis Leaves K. C.

Lieutenant Irwin F. Landis left the United States Recruiting Station on Monday to again do naval service. The Kansas City Journal notes his departure in the following news item October 15th:

"Lieutenant I. F. Landis, who has been in charge of the recruiting station in the federal building for the last two years, has been relieved from duty in Kansas City and detailed to the navigating office at Princeton, Puget sound. Lieutenant C. S. Vanderbeck, who has been on a coast survey expedition since June, will arrive Monday to assume charge of the office."

The good wishes of their Barber county friends follow Lieutenant Landis and wife as they leave for new fields of service.

Howard Easten contributed his mite to the city treasury one day last week on the popular charge.

Those wanting husking hook and gloves, remember that W. E. Stout carries a complete line.

I have a customer for a 320-acre farm. Must be reasonably well located, some improvements, and at least 80 acres that will grow alfalfa. A. M. Houchin, office in Citizens State Bank.

NOTICE To Piano Buyers

If you intend to buy a PIANO and will notify me and then buy a Piano within 60 days thereafter, I will make you a present of \$5.00, no matter where or from whom you buy your Piano. Just buy one somewhere. I mean just what I say. I will give you a \$5 bill.

H. Fisher, Coldwater, Kans.

A Very Sad Death

Ray Ewalt, second child of Mr. and Mrs. Sim Ewalt of this city, died at 10:30 Tuesday night, October 12, 1909, of scarlet fever. He was sick one week and the case was very critical from the first.

Dr. Donovan, assisted by Dr. Gilbert, had charge of the case and employed all means known to medical science but at no period in Ray's sickness did they get the trouble under control.

A private funeral was held at the home on Wednesday morning. On account of the nature of the disease, only a few neighbors and intimate friends attended, which made it the more sad.

Ray was born in this city November 5, 1900; died October 12, 1909, aged 8 years, 11 months and 7 days.

A death surrounded with more sorrowful circumstances could not occur and Mr. and Mrs. Ewalt have the sympathy of all their friends in this incalculable grief. Ray was one of the city's brightest and best boys.

He will be sadly missed by his little playmates, and the vacant chair that he leaves in the home will be a source of sacred grief to the parents for many years to come. Words utterly fail to express the sympathy the Index feels for them.

Took Silver Cup

Geo. J. Southworth took his sorrel drivers to Wichita last week and entered them in the Gentlemen's driving contest in the State Horse Show on Friday and took second prize—a silver cup with the names of the horses engraved on it.

Mr. Southworth came within a hair's breadth of capturing first money, and there were a great many of competent judges who said he was entitled to it. Miller, the millionaire horse man, of Newton, who follows horse showing as a business, got first. There were six teams in the show, Medicine Lodge being the only small town represented.

While we would like to have seen Mr. Southworth get first money, the glory of winning second over Wichita, Hutchinson and Topeka is all-sufficient. To boast of having the second driving team in the state is a distinction that rarely comes to a third class city.

A Boquet For Fred Watkins

The Ashland ball team has disbanded for the season and in last week's Clipper the individual members were "written up." Fred Watkins, formerly of this city, is complimented more highly than any other member, as follows:

"The reliable Fred Watkins, 'Our Dutch,' kept up his reputation as a ball player in the three games. He has the greatest throwing arm on him that's in the business, covers ground fast, throws accurate, fields his position like a veteran and does he hit? Just fifteen over the left field fence this season. It is possible but not probable that Ashland will ever see his smiling face again in a uniform. (If they do they may consider themselves lucky for he is too fast to stay out of faster companies.) Good luck to you, Fred, old boy, go your limit."

The Ashland team was one of the strong teams of the state during the season just closed.

A Bargain in Plants

As I shall not operate my greenhouse during the ensuing winter, I now offer my entire stock of potted and field grown plants, consisting of Ferns, Geraniums, Sprengeri's, etc., for sale at wholesale prices. Peonies, large undivided field grown clumps. Now is the time to plant peonies. Jno. L. Brady, Medicine Lodge, Kansas.

Elwood Bond Election Nov. 23rd

The railroad bond election in Elwood township will be held Tuesday, November 23rd, instead of the 16th as first announced. The change was made necessary on account of the absence of two of the county commissioners when the legal papers were first drawn.

The legal election notices, as corrected, are republished this week and will continue to be published for five consecutive weeks.

The election in Aetna township will be called as soon as the necessary petition is circulated and signed by the voters and taxpayers of that township.

There is little doubt but that both townships will vote favorably on the proposition.

Arrested for Perjury

Dr. D. F. Williams of Chillicothe, Mo., who was one of the star witnesses for the great state of Kansas in the case of State vs. Circle which was tried in district court here last week, was arrested for perjury on Thursday night. Dr. Williams was on his way home when the warrant was issued by County Attorney Field and he was intercepted by a phone message to the sheriff at Wellington, who arrested him at the Santa Fe depot. Sheriff Matthews went to Wellington and brought the Doctor back on Friday. He gave bond in the sum of \$500 for his appearance for a preliminary hearing November 1st, and departed on Saturday.

Dr. Williams is charged with having testified falsely concerning Mr. Circle's presence in Missouri at a time when it is claimed there is positive proof that Mr. Circle was in Kiowa. This is a material point in the case and one of the jurors who sat in the trial informs us that it was Dr. Williams's testimony which prevented the jury's agreeing on a verdict.

Dr. Williams testified on the witness stand that he was to receive \$15 a day and expenses for coming here to testify. Now he is in trouble. He surely must be a valuable man and he doubtless tried to give the strongest evidence he had at his command.

The Index does not desire to deal unjustly with Dr. Williams. He is entitled to a fair trial and, if innocent, he should be released. But it is opportune to recall at this time a remark made by City Attorney Tinscher at a recent meeting of the Methodist Brotherhood, in which he said there ought to be some prosecutions for perjury in this county. He stated that there wasn't a term of court but that perjury was committed and the way to stop it is to make an example of somebody.

We suppose that the city attorney will make a careful investigation of this matter and if he finds that there are reasonable grounds for believing Dr. Williams guilty, he will give the county attorney his moral support, at least, for acting on the suggestion.

Popular Couple Wedded

One of the prettiest home weddings that has ever taken place in Medicine Lodge was witnessed at the beautiful home of Mr. and Mrs. M. P. DeWitt at noon on Saturday, October 16, 1909, when their oldest daughter, Fannie E., became the wife of Mr. Lawrence W. Stevens, son of Mrs. Ella Stevens and assistant cashier of The Citizens State Bank.

The marriage ceremony was performed by Rev. C. J. Spiers, pastor of the First Baptist Church. Only the immediate relatives and families connected with the bank witnessed the marriage vows.

The bride and groom departed at 3:30 for Wichita where they expected to visit a few days, and thence to Geuda Springs. They will return in ten days after which they will be at home to their friends at the groom's residence, Kansas Avenue west.

These popular young people enter upon their new responsibilities under most auspicious circumstances and is reinforced with an integrity that has been unalterably established in this city by his years of faithful service. He is a most obliging, cordial young man and enjoys the confidence, esteem and respect of the people of the entire city and county.

Miss DeWitt is a daughter of one of the best families in southern Kansas. She is a young lady of whom it may be said, without indulging in extravagance or flattery, her graces and womanly charms are without limitation—especially gifted with beauty in feature and beauty in character, and favored with innumerable friendships that will endure forever.

Both Mr. and Mrs. Stevens grew from childhood to manhood and womanhood in Barber county and it is the earnest hope of their friends that they will always maintain their citizenship here.

The Index desires to be numbered among the many friends who give expression to the hope that this couple may live long and prosper exceedingly.

Just Married

And Oh, so Happy!
Lawrence and Fannie
Can you Guess
who we are?

Large placards containing the above inscription were what met the gaze of the bride and groom when they entered the car at the Santa Fe depot Saturday afternoon to go away on the honeymoon trip. They were hung up promiscuously all over the car and particularly adorned the seat the bridal party occupied. In addition, there were many young friends at the depot when the bride and groom were conveyed to the train, and these admirers were armed liberally with rice and old shoes and other mementoes of warfare common to such occasions. Both met the situation in a calm, philosophical way and seemed to enjoy the reception as well as the crowd attending them, but it must be admitted that there was one incident that caused the rosy cheeks of the bride to become even more rose-like.

The merry-makers had the event well planned.

Harry C. Hester and Allie Gould of Gate, Oklahoma, were united in marriage by Probate Judge Garrison last Wednesday afternoon, October 13, 1909. The groom is a brother of E. R. Hester of Sharon township.

Edward W. Parker, son of Howard J. Parker and wife of Mingona township, was married to Miss Joanna Schubarth of Monument, Colorado last Thursday, at the bride's home. The couple arrived here on Saturday and will make Barber county their home.

Mr. Parker is a prosperous stockman and farmer and is well known by the people of this section of the county, and has a host of friends.

The bride is a stranger here, but is beloved and widely known at her home town in Colorado. Mr. Parker became acquainted with her while working there several years ago and has been corresponding with her since, which was happily consummated in a life partnership.

We wish Mr. and Mrs. Parker unlimited happiness and success.

Death of Eliza J. Young

Eliza J. Young, widow of the late Robert G. Young who died, October 25, 1908, passed away at her home two miles southeast of this city last Wednesday, October 13, 1909. She had been in poor health ever since her husband's death. At times she seemed to improve but only temporarily, and during the summer she was very poorly. Her sickness was of a complicated nature, different organs being affected.

The funeral was held at the Methodist church in this city on Thursday afternoon and the remains laid away in Highland cemetery by the side of the husband. Rev. Imboden conducted the services.

Eliza Jane Gray was born at Blairsville, Pa., June 3, 1847; died at Medicine Lodge, Kansas, October 13, 1909, aged 62 years, 4 months and 10 days. She was married to Robert G. Young at Apollo, Pa., August 27, 1874. Four children were born to the union—Etta June, Benton Edwin, Flora Marie, and Ira R. Young. The eldest, Etta, died some time ago. All of the other children were at her bedside in her last hours and attended the funeral. Mrs. Young lived a christian life since her girlhood days. Prior to coming to Kansas she was a member of the Presbyterian church. In 1880 she became a member of the Congregational church at McPherson, Kansas, there being no Presbyterian church there at the time, and she remained a consistent member of that church until her death.

This family came to Barber county about four years ago and were among our most highly respected and esteemed citizens. The death of both Mr. and Mrs. Young brings deep regret to our people and the surviving children have the profound sympathy of the entire community.

Fish, Oysters and Celery at Cole & Son's meat market on Friday.

W. E. Stout has the most complete stock of robes and blankets in the city.

For Sale—A farm of 80 acres, 2½ miles from this city. Good terms. W. L. Utterback.

1000, Locust posts for sale, 7 feet long with sawed ends, from 4 to 12 cents each. Claude Stockstill, Sharon, Kans.

Mr. Coates, the new man in the Metz lumber yard, arrived from Capron, Oklahoma last Thursday. The family resides in Mrs. McCracken's house on First Avenue west.

J. L. and W. S. Gant returned home from Pueblo last Thursday. Joe stood the trip well and is gaining in strength every day. He was operated upon for appendicitis in Pueblo about two weeks ago and is "as good as new" again.

T. J. McGuire and wife of Sharon township returned recently from a visit with their daughter, Mrs. W. E. Kelly, and other relatives and friends at Shambaugh, Iowa. They report a splendid visit and a fine trip. It was their first visit east for a long time.

As I shall not operate my greenhouse during the ensuing winter, I now offer my entire stock of potted and field grown plants, consisting of Ferns, Geraniums, Sprengeri's, etc., for sale at wholesale prices. Peonies, large undivided field grown clumps. Now is the time to plant peonies.—Jno. L. Brady, Medicine Lodge, Kansas.

W. L. Parsons and family were called to Capron, Oklahoma last Thursday to attend the funeral of W. R. Pritchett, husband of Mrs. Parsons's sister, who died very suddenly of apoplexy. Mr. Pritchett's home is at Carso, Mo. He and his wife were visiting with Mrs. Pritchett's mother, Mrs. Henton, at Capron. The body was taken to Missouri for burial. Mrs. Parsons and daughter, Mrs. Gallagher, had gone to Capron on the Saturday preceding the death and the other members of the family followed later. The affair is doubly sad on account of the fact that the occasion of the visit of Mr. Pritchett and wife was a family re-union at Mrs. Henton's home and it was their first trip to this part of the country. Truly, life is uncertain.